

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Carl Julius Rogers, Jr.,) Civil Action No.: 4:08-cv-03891-RBH
)
Plaintiff,)
)
v.) **ORDER**
)
Anthony Cotton, Tim Kemp, Jason)
Stephens, Brian Rudick, Jim Pennington,)
Sergeant Jackie Gause, *in their individual*)
and official capacities;)
)
Defendants.)

Carl Julius Rogers, Jr.) Civil Action No.: 4:09-cv-01290-RBH
)
Plaintiff,)
)
v.)
)
City of Hartsville, Hartsville Police)
Department, Officer Anthony Cotton,)
in his individual and official capacity;)
)
Defendants.)

Plaintiff, who is proceeding *pro se*, filed these actions pursuant to 42 U.S.C. § 1983. This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Thomas E. Rogers, III, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo

determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1).

Neither party has filed objections to the Report and Recommendation. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310 (4th Cir. 2005) stating that “in the absence of a timely filed objection, a district court need not conduct *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'” (quoting Fed. R. Civ. P. 72 advisory committee's note).

After a thorough review of the record in this case, the Court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference. Therefore, it is

ORDERED that Plaintiff’s Motion for Summary Judgment [Docket Entry 121 in 08-3891-RBH and Docket Entry 89 in 09-1290-RBH] is **denied**, Defendants’ Motion for Summary Judgment [Docket Entry 108 in 08-3891-RBH and Docket Entry 77 in 09-1290-RBH] is **granted** as to Plaintiff’s federal causes of action, and the court declines to exercise supplemental jurisdiction over Plaintiff’s state law causes of action. It is further ordered that 08-3891-RBH is **dismissed** in its entirety, that the state law claims in 09-1290-RBH are **remanded** to the Darlington County Court of Common Pleas, and that both cases are hereby **closed**.

IT IS SO ORDERED.

s/R. Bryan Harwell
R. Bryan Harwell
United States District Judge

Florence, South Carolina
February 7, 2012